



1/259-637

AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Fernand LABRIE

Serial No.: 10/052,803

Filed: November 7, 2001

For: SELECTIVE ESTROGEN RECEPTOR MODULATORS IN COMBINATION
WITH ESTROGENS

Confirmation No. 3989

Date: October 29, 2008

Group Art Unit: 1617

Examiner: Yong Soo Chong

Mail Stop AF
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated April 29, 2008 of the Primary Examiner finally rejecting Claims 1-2, 13-19, 22-23, and 35-41.

The Appeal Fee (\$540 - Non-Small Entity; \$270 - Small Entity) is

Enclosed (Check No. 28633)
 Not required (fee paid in prior appeal)
 Charge to Deposit Account No. 15-0700

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner for Patents is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700. In the event that the actual Appeal Fee is greater than the payment submitted herewith or is not enclosed, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 29, 2008:

William O. Gray, III

Name of applicant, assignee or
Registered Representative

Signature

October 29, 2008

Date of Signature

Respectfully submitted,

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